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NOTICE OF ALLOWANCE AND FEE(S) DUE

000293

7590

12/01/2005

Ralph A. Dowell of DOWELL & DOWELL P.C.
2111 Eisenhower Ave.
Suite 406
Alexandria, VA 22314

EXAMINER

RHODE JR, ROBERT E

ART UNIT

PAPER NUMBER

3625

DATE MAILED: 12/01/2005

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/805,950	03/15/2001	Rodney Senior	13620	3634

TITLE OF INVENTION: ELECTRONIC QUANTITY PURCHASING SYSTEM

APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	03/01/2006

THE APPLICATION IDENTIFIED ABOVE HAS BEEN EXAMINED AND IS ALLOWED FOR ISSUANCE AS A PATENT. **PROSECUTION ON THE MERITS IS CLOSED.** THIS NOTICE OF ALLOWANCE IS NOT A GRANT OF PATENT RIGHTS. THIS APPLICATION IS SUBJECT TO WITHDRAWAL FROM ISSUE AT THE INITIATIVE OF THE OFFICE OR UPON PETITION BY THE APPLICANT. SEE 37 CFR 1.313 AND MPEP 1308.

THE ISSUE FEE AND PUBLICATION FEE (IF REQUIRED) MUST BE PAID WITHIN THREE MONTHS FROM THE MAILING DATE OF THIS NOTICE OR THIS APPLICATION SHALL BE REGARDED AS ABANDONED. **THIS STATUTORY PERIOD CANNOT BE EXTENDED.** SEE 35 U.S.C. 151. THE ISSUE FEE DUE INDICATED ABOVE REFLECTS A CREDIT FOR ANY PREVIOUSLY PAID ISSUE FEE APPLIED IN THIS APPLICATION. THE PTOL-85B (OR AN EQUIVALENT) MUST BE RETURNED WITHIN THIS PERIOD EVEN IF NO FEE IS DUE OR THE APPLICATION WILL BE REGARDED AS ABANDONED.

HOW TO REPLY TO THIS NOTICE:

I. Review the SMALL ENTITY status shown above.

If the SMALL ENTITY is shown as YES, verify your current SMALL ENTITY status:

- A. If the status is the same, pay the TOTAL FEE(S) DUE shown above.
- B. If the status above is to be removed, check box 5b on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and twice the amount of the ISSUE FEE shown above, or

If the SMALL ENTITY is shown as NO:

- A. Pay TOTAL FEE(S) DUE shown above, or
- B. If applicant claimed SMALL ENTITY status before, or is now claiming SMALL ENTITY status, check box 5a on Part B - Fee(s) Transmittal and pay the PUBLICATION FEE (if required) and 1/2 the ISSUE FEE shown above.

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II. PART B - FEE(S) TRANSMITTAL should be completed and returned to the United States Patent and Trademark Office (USPTO) with your ISSUE FEE and PUBLICATION FEE (if required). Even if the fee(s) have already been paid, Part B - Fee(s) Transmittal should be completed and returned. If you are charging the fee(s) to your deposit account, section "4b" of Part B - Fee(s) Transmittal should be completed and an extra copy of the form should be submitted.

III. All communications regarding this application must give the application number. Please direct all communications prior to issuance to Mail Stop ISSUE FEE unless advised to the contrary.

IMPORTANT REMINDER: Utility patents issuing on applications filed on or after Dec. 12, 1980 may require payment of maintenance fees. It is patentee's responsibility to ensure timely payment of maintenance fees when due.

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Complete and send this form, together with applicable fee(s), to: **Mail**

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090293 7590 12/01/2005

Ralph A. Dowell of DOWELL & DOWELL P.C.
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Suite 406
Alexandria, VA 22314

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I hereby certify that this Fee(s) Transmittal is being deposited with the United States Postal Service with sufficient postage for first class mail in an envelope addressed to the Mail Stop ISSUE FEE address above, or being facsimile transmitted to the USPTO (571) 273-2885, on the date indicated below.

(Depositor's name)
(Signature)
(Date)

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APPLN. TYPE	SMALL ENTITY	ISSUE FEE	PUBLICATION FEE	TOTAL FEE(S) DUE	DATE DUE
nonprovisional	YES	\$700	\$300	\$1000	03/01/2006

EXAMINER	ART UNIT	CLASS-SUBCLASS
RHODE JR, ROBERT E	3625	705-027000

1. Change of correspondence address or indication of "Fee Address" (37 CFR 1.563).
☐ Change of correspondence address (or Change of Correspondence Address form PTO/SB/122) attached.
☐ "Fee Address" indication (or "Fee Address" Indication form PTO/SB/47; Rev 03-02 or more recent) attached. Use of a Customer Number is required.

2. For printing on the patent front page, list
 (1) the names of up to 3 registered patent attorneys or agents OR, alternatively,
 (2) the name of a single firm (having as a member a registered attorney or agent) and the names of up to 2 registered patent attorneys or agents. If no name is listed, no name will be printed.

3. ASSIGNEE NAME AND RESIDENCE DATA TO BE PRINTED ON THE PATENT (print or type)

PLEASE NOTE: Unless an assignee is identified below, no assignee data will appear on the patent. If an assignee is identified below, the document has been filed for recordation as set forth in 37 CFR 3.11. Completion of this form is NOT a substitute for filing an assignment.

(A) NAME OF ASSIGNEE

(B) RESIDENCE: (CITY and STATE OR COUNTRY)

Please check the appropriate assignee category or categories (will not be printed on the patent): ☐ Individual ☐ Corporation or other private group entity ☐ Government

4a. The following fee(s) are enclosed:

- ☐ Issue Fee
☐ Publication Fee (No small entity discount permitted)
☐ Advance Order - # of Copies _____

4b. Payment of Fee(s):

- ☐ A check in the amount of the fee(s) is enclosed.
☐ Payment by credit card. Form PTO-2038 is attached.
☐ The Director is hereby authorized by charge the required fee(s), or credit any overpayment, to Deposit Account Number _____ (enclose an extra copy of this form).

5. Change in Entity Status (from status indicated above)

- ☐ a. Applicant claims SMALL ENTITY status. See 37 CFR 1.27. ☐ b. Applicant is no longer claiming SMALL ENTITY status. See 37 CFR 1.27(g)(2).

The Director of the USPTO is requested to apply the Issue Fee and Publication Fee (if any) or to re-apply any previously paid issue fee to the application identified above. NOTE: The Issue Fee and Publication Fee (if required) will not be accepted from anyone other than the applicant; a registered attorney or agent; or the assignee or other party in interest as shown by the records of the United States Patent and Trademark Office.

Authorized Signature _____

Date _____

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This collection of information is required by 37 CFR 1.311. The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.14. This collection is estimated to take 12 minutes to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, Virginia 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Commissioner for Patents, P.O. Box 1450, Alexandria, Virginia 22313-1450.

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000293	7590	12/01/2005	EXAMINER	
Ralph A. Dowell of DOWELL & DOWELL P.C. 2111 Eisenhower Ave. Suite 406 Alexandria, VA 22314			RHODE JR, ROBERT E	
			ART UNIT	PAPER NUMBER
			3625	

DATE MAILED: 12/01/2005

Determination of Patent Term Adjustment under 35 U.S.C. 154 (b) (application filed on or after May 29, 2000)

The Patent Term Adjustment to date is 467 day(s). If the issue fee is paid on the date that is three months after the mailing date of this notice and the patent issues on the Tuesday before the date that is 28 weeks (six and a half months) after the mailing date of this notice, the Patent Term Adjustment will be 467 day(s).

If a Continued Prosecution Application (CPA) was filed in the above-identified application, the filing date that determines Patent Term Adjustment is the filing date of the most recent CPA.

Applicant will be able to obtain more detailed information by accessing the Patent Application Information Retrieval (PAIR) WEB site (<http://pair.uspto.gov>).

Any questions regarding the Patent Term Extension or Adjustment determination should be directed to the Office of Patent Legal Administration at (571) 272-7702. Questions relating to issue and publication fee payments should be directed to the Customer Service Center of the Office of Patent Publication at (703) 305-8283.

Notice of Allowability

Application No.

09/805,950

Applicant(s)

SENIOR, RODNEY

Examiner

Rob Rhode

Art Unit

3625

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. ☒ This communication is responsive to 9/27/05.
2. ☒ The allowed claim(s) is/are 6 - 18 & 21 - 25. 19 and 20 are cancelled
3. ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some* c) ☐ None of the:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.

THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

4. ☐ A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
5. ☐ CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
- (a) ☐ including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
- 1) ☐ hereto or 2) ☐ to Paper No./Mail Date _____.
- (b) ☐ including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
6. ☐ DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. ☒ Notice of References Cited (PTO-892)
2. ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3. ☐ Information Disclosure Statements (PTO-1449 or PTO/SB/08), Paper No./Mail Date _____
4. ☐ Examiner's Comment Regarding Requirement for Deposit of Biological Material
5. ☐ Notice of Informal Patent Application (PTO-152)
6. ☒ Interview Summary (PTO-413), Paper No./Mail Date _____
7. ☒ Examiner's Amendment/Comment
8. ☒ Examiner's Statement of Reasons for Allowance
9. ☐ Other _____



DETAILED ACTION

Response to Amendment

Response to amendment received on 9/27//2005 is acknowledges and entered. Currently, claims 6 - 25 have been examined. Claims 1 – 5 have been canceled.

EXAMINER'S AMENDMENT

An examiner's amendment to the record appears below. Should the changes and/or additions be unacceptable to applicant, an amendment may be filed as provided by 37 CFR 1.312. To ensure consideration of such an amendment, it MUST be submitted no later than the payment of the issue fee.

Authorization for this examiner's amendment was given in a telephone interview with Mr. Dowell on November 23, 2005.

The application has been amended as follows:

In the Specification

Please amend the specification by inserting the following paragraph before line 1 of page 20 as follows:

As shown in Figs. 5-11, when a purchaser has been authorized to access the purchasing data base of the invention, the purchaser is prompted not only to make various purchases by selection of a "BUY" option but is also prompted to indicate where purchased products are to be redeemed. As shown in Fig. 5, redemptions of purchases are selected from a plurality of different price zones across a given country or geographic area, such as different towns. At the time of purchase, the purchaser selects a price zone where the product is to be redeemed. The purchaser is also prompted to take other actions by selecting other options on the data base display. Such other options include; converting purchases between price zones by selecting the "CONVERT ZONE" option on the system display, transferring purchases to another entity by selecting the "TRANSFER" option, obtain transaction information relative to the purchasers account by selecting the "Transaction HISTORY" option, checking the account balances by selecting the "My Balance DETAILS" option, change purchaser profile information by selecting the "CHANGE Profile" option, and request information on location of redemption stations by selecting the "STATION Locator" option of the purchasing data base display of the invention.

Art Unit: 3625

In the Drawings

Please replace Figure 11 with the updated and attached Figure 11.

In the Claims

Claims 6 – 18 and 21 - 25 have been rewritten as follows:

1 – 5 canceled

6. (currently amended) A method of electronically transacting the purchase of a commodity, which comprises:

a) providing an electronic system for purchasing commodities over a communication network and which system includes a computer database containing commodity information concerning at least one product or service which may be purchased at a current time purchase price, and which purchase price is locked-in at time of purchase, for at least partial consumption or use at a future date;

b) electronically pre-registering a purchaser including obtaining credit approval for deferred payment and providing the purchaser with a unique secure access code and authorizing the purchaser to purchase a quantity of commodity from the electronic system and;

c) ~~the purchaser~~ electronically accessing the electronic system ~~the~~ by said purchaser and, upon verification of ~~the~~ said purchaser's unique secure access code, ~~the~~ said purchaser selecting and purchasing from ~~the~~ said computer database a quantity of a selected commodity at the current time purchase price reflected in ~~the~~ said computer database for redemption of at least a portion of the quantity of the commodity purchased at a future date at the locked-in purchase price to thereby ensure that the quantity of commodity purchased is not subject to future market price fluctuations and creating a quantity credit account in ~~the~~ said computer database for the commodity purchased;

d) storing data in ~~the~~ said computer database for the quantity credit account in an electronically accessible format; and

e) subsequently, at a point of redemption, electronically accessing ~~the~~ said computer database by said purchaser and entering said unique secure access code and thereafter redeeming at least a portion of the quantity of the commodity previously purchased and adjusting the quantity credit account to reflect the portion of the quantity of commodity purchased that has been redeemed, wherein said purchaser is able to purchase a selected quantity of at least one commodity by selecting and purchasing a quantity of a commodity in one of a plurality of different geographical price zones as identified within said computer database; and wherein said purchaser is able to purchase a selected quantity of at least one commodity includes said purchaser being able to convert quantities of commodity purchased between said plurality of different geographical price zones.

7. (previously presented) The method of claim 6 wherein at least a portion of the quantity of the commodity purchased is electronically transferred in the computer database by the purchaser in order to be redeemed by another entity.

8. (previously presented) The method of claim 6 wherein the redeeming is performed at a plurality of locations.

9. (previously presented) The method of claim 6 wherein the computer database includes a plurality of commodities and the purchaser purchasing discrete quantities of commodities for

Art Unit: 3625

future redemption and adjusting the quantity credit account to reflect said purchases and redemptions.

10. (previously presented) The method of claim 6 wherein the purchasing and redeeming steps are performed over a computer network.

11. (previously presented) The method of claim 6 wherein at least one commodity is a brand name commodity and the purchasing and redeeming steps are effected with the same brand name of the commodity.

12. (currently amended) A method of electronically transacting the purchase of a commodity, which comprises the steps of:

a) accessing a computer database of commodity information which may be purchased by a purchaser at a current time locked-in purchase price and pre-registering ~~the~~ said purchaser to authorize ~~the~~ said purchaser to purchase quantities of commodities for redemption of at least a portion of the quantities purchased at a future date, providing ~~the~~ said purchaser with a unique secure access code and thereafter ~~the~~ said purchaser selecting and purchasing a quantity of a selected commodity at a ~~real~~ current time purchase price reflected ~~on the~~ in said computer database to thereby ensure that the quantity of commodity purchased is not subject to future market price fluctuations and creating a quantity credit account for the commodity purchased;

b) separating said quantity credit account into discrete purchase blocks in the computer database, each block representing a different purchase made at locked-in then current time purchase prices;

c) storing data for the quantity credit account in ~~the~~ said computer database in an electronically accessible format;

d) subsequently accessing by said purchaser said stored quantity credit account data in the said computer database in order to receive authorization to redeem and subsequently redeeming in physical form at least a portion of the commodity previously purchased and reflected in the quantity credit account for said commodity; and e) thereafter, adjusting the quantity credit account to reflect the quantity of the commodity redeemed, , wherein said purchaser is able to purchase a selected quantity of at least one commodity by selecting and purchasing a quantity of a commodity in one of a plurality of different geographical price zones as identified within said computer database; and wherein said purchaser is able to purchase a selected quantity of at least one commodity includes said purchaser being able to convert quantities of commodity purchased between said plurality of different geographical price zones.

13.(currently amended) An electronic purchasing system for transacting the purchase of a commodity, which comprises:

a) a computer database including means for providing commodity information including a current time purchase price of at least one commodity that may be purchased at the current time purchase price for at least partial redemption at a future date regardless of price fluctuations in the commodity market price since a time of the purchase;

b) means for pre-registering a purchaser and providing ~~the~~ said purchaser with a unique secure access code so that ~~the~~ said purchaser is authorized to make purchases from ~~the~~ said computer database of a quantity of said at least one commodity provided in ~~the~~ said computer database;

c) means for ~~the~~ said purchaser to purchase a selected quantity of at least one commodity provided in ~~the~~ said computer database and means for establishing and maintaining a quantity credit account with respect to quantities of a commodity purchased at the current time purchase price by ~~the~~ said purchaser and for authorizing redemption of at least a portion of the quantities of commodities purchased at a future day; and

d) a commodity redemption module interfacing with said computer database for authorizing redemption by said purchaser, in physical form of at least a portion of the quantities of commodities within said quantity credit account; wherein said means for the said purchaser to purchase a selected quantity of at least one commodity includes means for selecting and purchasing a quantity of a commodity in one of a plurality of different geographical price zones as identified within said computer database; and wherein said means for the said purchaser to

purchase a selected quantity of at least one commodity includes means for converting quantities of commodity purchased between said plurality of different geographical price zones.

14. (previously presented) The system of claim 13 including means within said computer database to permit at least a portion of a quantity purchased by the purchaser to be redeemed by a different entity.

15. (previously presented) The system of claim 13 wherein the means for the purchaser to purchase includes a computer server which is connected to said computer database.

16. (currently amended) The system of claim 13 wherein the computer database includes a plurality of commodity descriptions and ~~real~~ current time current pricing information with respect thereto.

17. (previously presented) The system of claim 13, wherein said means for the purchaser to purchase includes an Internet browser.

18. (previously presented) The system of claim 15, wherein said computer server is electronically connected to a point-of-sale.

19. canceled

Art Unit: 3625

20. canceled

21. (previously presented) The system of claim 13 wherein the commodity redemption module is operable in conjunction with an encoded access device.

22. (previously presented) The system of claim 21 wherein said encoded access device is a magnetic memory device.

23. (currently amended) The system of claim 13 further comprising:

e) a means for separating said quantity credit account into discrete purchase blocks, each block representing a different purchase made at a different locked-in current time purchase price, and

f) a means for combining data in said purchase blocks to provide a weighted average purchase value of same commodities in said quantity credit account in a format that can be compared with current market prices for the same commodities.

24. (previously presented) The system of claim 13 further including means for the purchaser to view and print transaction histories and account balances contained in said quantity credit account.

25. (previously presented) The system of claim 13 including means in said computer database to modify purchaser contact information and information concerning a profile of the purchaser and to modify the unique secure access code of the purchaser.

Reasons for Allowance

The invention claimed in the independent claims are distinguished from prior art of record, which contains no teachings or suggestions that would have motivated one of ordinary skill in the art to modify the method and system disclosed by Nicholson with the method and system of Chen and Zicker to have enabled a method and system for the subject matter recited in independent claims 6, 12 and 13. To begin with, Nicholson discloses a method and system for cross-selling products and increasing fuel sales as well the capability for purchasing future quantities of fuel at today's prices. Moreover, Nicholson discloses a method and system that provides a coded token for the redemption of fuel purchased for future use at today's price. Chen on the other hand discloses a method and system for bidding/purchasing by buyers on meals at current prices for redemption at a later date. In addition, Chen discloses a method and system that includes a registration module. In turn, Zicker discloses a method and system for multi mode, personal wireless communication system with pico cells that includes the capability to purchase a service package that provides for local use pricing zones. However, Nicholson does not disclose a pre-registration prior to purchase a quantity of a commodity to obtain a secure access code for establishing quantity credit account to be used for future redemption, with corresponding credit check as well as the capability to purchase quantities of a commodity in different geographic price zones nor converting quantities between zones. Chen does not disclose

Art Unit: 3625

a method and system for secure access code for accessing a quantity credit account as well as the capability to purchase quantities of a commodity in different geographic price zones nor converting quantities between zones. In turn, Zicker in non analogous art does not disclose a method and system for pre-registration prior to purchase a quantity of a commodity to obtain a secure access code for establishing quantity credit account to be used for future redemption, with corresponding credit check as well as the capability to purchase quantities of a commodity in different geographic price zones nor converting quantities between zones. In that regard, the combined teachings of Nicholson, Chen and Zicker do not teach or suggest to one of ordinary skill that the differences between the subject matter recited in independent claims 6, 12 and 13 and the prior art are such that the subject matter as whole would have been obvious at the time the invention was made to a person having ordinary skill in the art. Therefore, the invention claimed in independent claims 6, 12 and 13 are distinguished from prior art of record by the fact that an electronic purchasing system for transacting the purchase of a commodity, which comprises: pre-registering a purchaser and e) thereafter, adjusting the quantity credit account to reflect the quantity of the commodity redeemed, wherein said purchaser is able to purchase a selected quantity of at least one commodity by selecting and purchasing a quantity of a commodity in one of a plurality of different geographical price zones as identified within said computer database; and wherein said purchaser is able to purchase a selected quantity of at least one commodity includes said purchaser being able to converting quantities of commodity purchased between said plurality of different geographical price zones.

Discussion of the most relevant prior art, which does not fully disclose nor render obvious the invention as stated in claims 6, 12 and 13:

A. US Patents and PG-Pubs.

(i) US 6,778,967 B1 to Nicholson discloses a method and system for cross-selling products and increasing fuel sales as well the capability for purchasing future quantities of fuel at today's prices. Moreover, Nicholson discloses a method and system that provides a coded token for the redemption of fuel purchased for future use at today's price. However, Nicholson does not disclose or teach or suggest to one of ordinary skill a method and system for an electronic purchasing system for transacting the purchase of a commodity, which comprises: pre-registering a purchaser and e) thereafter, adjusting the quantity credit account to reflect the quantity of the commodity redeemed, , wherein said purchaser is able to purchase a selected quantity of at least one commodity by selecting and purchasing a quantity of a commodity in one of a plurality of different geographical price zones as identified within said computer database; and wherein said purchaser is able to purchase a selected quantity of at least one commodity includes converting quantities of commodity purchased between said plurality of different geographical price zones. Thereby, this online method, medium and system disclosed by Ellis fails to anticipate the above bolded unique limitations or render them obvious.

(ii) US 6,741,969 B1 to Chen discloses a method and system for bidding/purchasing by buyers on meals at current prices for redemption at a later date. In addition, Chen discloses a method

Art Unit: 3625

and system that includes a registration module. However, Chen does not disclose or teach or suggest to one of ordinary skill a method and system for a method and system for an electronic purchasing system for transacting the purchase of a commodity, which comprises: pre-registering a purchaser and e) thereafter, adjusting the quantity credit account to reflect the quantity of the commodity redeemed, , wherein said purchaser is able to purchase a selected quantity of at least one commodity by selecting and purchasing a quantity of a commodity in one of a plurality of different geographical price zones as identified within said computer database; and wherein said purchaser is able to purchase a selected quantity of at least one commodity includes converting quantities of commodity purchased between said plurality of different geographical price zones.. Thereby, this online method, medium and system disclosed by Chen fails to anticipate the above bolded unique limitations or render them obvious.

B. Non Patent Literature

(iii) “ Priceline.com adds gasoline to its lineup”; Priscilla Fusco; Austin American Statesman; Austin, Tx; Feb 26, 2000 (hereafter referred to as “Priceline”) discloses and teaches an ability to pre-purchase up to 50 gallons of gasoline per month in which potential sellers will accept the named price of the buyer. However, Priceline does not disclose or teach or suggest to one of ordinary skill a method and system for an electronic purchasing system for transacting the purchase of a commodity, which comprises: a method and system for an electronic purchasing system for transacting the purchase of a commodity, which comprises: pre-registering a purchaser and e) thereafter, adjusting the quantity credit account to reflect the quantity of the commodity redeemed, , wherein said purchaser is able to purchase a selected quantity of at least

one commodity by selecting and purchasing a quantity of a commodity in one of a plurality of different geographical price zones as identified within said computer database; and wherein said purchaser is able to purchase a selected quantity of at least one commodity includes converting quantities of commodity purchased between said plurality of different geographical price zones. Thereby, this online method and system disclosed by Priceline fails to anticipate the above bolded unique limitations or render them obvious.

C. Foreign Patent Literature

(iv) JP 410111985A to Uchiyama discloses a method and system for an electronic cash register with a file for sale-by-time zones, which will total sales on quantities of items by time zone. . However, Uchiyama does not disclose or teach or suggest to one of ordinary skill a method and system for an electronic purchasing system for transacting the purchase of a commodity, which comprises: a method and system for an electronic purchasing system for transacting the purchase of a commodity, which comprises: pre-registering a purchaser and e) thereafter, adjusting the quantity credit account to reflect the quantity of the commodity redeemed, , wherein said purchaser is able to purchase a selected quantity of at least one commodity by selecting and purchasing a quantity of a commodity in one of a plurality of different geographical price zones as identified within said computer database; and wherein said purchaser is able to purchase a selected quantity of at least one commodity includes converting quantities of commodity purchased between said plurality of different geographical price zones. Thereby, this online method, medium and system disclosed by Uchiyama fails to anticipate the above bolded unique limitations or render them obvious.

Conclusion

Any comments considered necessary by applicant must be submitted no later than the payment of the issue fee and, to avoid processing delays, should preferably accompany the issue fee. Such submissions should be clearly labeled "Comments on Statement of Reasons for Allowance."

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Rob Rhode whose telephone number is 571.272.6761. The examiner can normally be reached Monday thru Friday 8:00 AM to 5:00 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Wynn Coggins can be reached on 571.272.7159.

Any response to this action should be mailed to:

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571-273-8300 [Official communications; including

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RER


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01 Sep 2000	Purchase @ 66.30c		40.000	150.000
31 Aug 2000	Purchase @ 66.30c		10.000	110.000
29 Aug 2000	Transfer from GORD SMITH		20.000	100.000
28 Aug 2000	Redeem @ 67.50c - 202 BAYLY ST E, AJAX	10.000		80.000
28 Aug 2000	Transfer from GORD SMITH		10.000	90.000
16 Aug 2000	Transfer from JENNY BROWN		20.000	80.000
16 Aug 2000	Transfer from JENNY BROWN		40.000	60.000

FIG.11

Interview Summary	Application No.	Applicant(s)	
	09/805,950	SENIOR, RODNEY	
	Examiner	Art Unit	
	Rob Rhode	3625	

All participants (applicant, applicant's representative, PTO personnel):

(1) Rob Rhode. (3) _____.

(2) Mr Dowell. (4) _____.

Date of Interview: 16 November 2005.

Type: a) ☒ Telephonic b) ☐ Video Conference
c) ☐ Personal [copy given to: 1) ☐ applicant 2) ☐ applicant's representative]

Exhibit shown or demonstration conducted: d) ☐ Yes e) ☐ No.
If Yes, brief description: _____.

Claim(s) discussed: Claims 6, 12 and 13.

Identification of prior art discussed: _____.

Agreement with respect to the claims f) ☐ was reached. g) ☐ was not reached. h) ☐ N/A.

Substance of Interview including description of the general nature of what was agreed to if an agreement was reached, or any other comments: Faxed Mr Dowell a copy of proposed amended claims.

(A fuller description, if necessary, and a copy of the amendments which the examiner agreed would render the claims allowable, if available, must be attached. Also, where no copy of the amendments that would render the claims allowable is available, a summary thereof must be attached.)

THE FORMAL WRITTEN REPLY TO THE LAST OFFICE ACTION MUST INCLUDE THE SUBSTANCE OF THE INTERVIEW. (See MPEP Section 713.04). If a reply to the last Office action has already been filed, APPLICANT IS GIVEN A NON-EXTENDABLE PERIOD OF THE LONGER OF ONE MONTH OR THIRTY DAYS FROM THIS INTERVIEW DATE, OR THE MAILING DATE OF THIS INTERVIEW SUMMARY FORM, WHICHEVER IS LATER, TO FILE A STATEMENT OF THE SUBSTANCE OF THE INTERVIEW. See Summary of Record of Interview requirements on reverse side or on attached sheet.

Examiner Note: You must sign this form unless it is an Attachment to a signed Office action.

Examiner's signature, if required

Summary of Record of Interview Requirements

Manual of Patent Examining Procedure (MPEP), Section 713.04, Substance of Interview Must be Made of Record

A complete written statement as to the substance of any face-to-face, video conference, or telephone interview with regard to an application must be made of record in the application whether or not an agreement with the examiner was reached at the interview.

Title 37 Code of Federal Regulations (CFR) § 1.133 Interviews

Paragraph (b)

In every instance where reconsideration is requested in view of an interview with an examiner, a complete written statement of the reasons presented at the interview as warranting favorable action must be filed by the applicant. An interview does not remove the necessity for reply to Office action as specified in §§ 1.111, 1.135. (35 U.S.C. 132)

37 CFR §1.2 Business to be transacted in writing.

All business with the Patent or Trademark Office should be transacted in writing. The personal attendance of applicants or their attorneys or agents at the Patent and Trademark Office is unnecessary. The action of the Patent and Trademark Office will be based exclusively on the written record in the Office. No attention will be paid to any alleged oral promise, stipulation, or understanding in relation to which there is disagreement or doubt.

The action of the Patent and Trademark Office cannot be based exclusively on the written record in the Office if that record is itself incomplete through the failure to record the substance of interviews.

It is the responsibility of the applicant or the attorney or agent to make the substance of an interview of record in the application file, unless the examiner indicates he or she will do so. It is the examiner's responsibility to see that such a record is made and to correct material inaccuracies which bear directly on the question of patentability.

Examiners must complete an Interview Summary Form for each interview held where a matter of substance has been discussed during the interview by checking the appropriate boxes and filling in the blanks. Discussions regarding only procedural matters, directed solely to restriction requirements for which interview recordation is otherwise provided for in Section 812.01 of the Manual of Patent Examining Procedure, or pointing out typographical errors or unreadable script in Office actions or the like, are excluded from the interview recordation procedures below. Where the substance of an interview is completely recorded in an Examiners Amendment, no separate Interview Summary Record is required.

The Interview Summary Form shall be given an appropriate Paper No., placed in the right hand portion of the file, and listed on the "Contents" section of the file wrapper. In a personal interview, a duplicate of the Form is given to the applicant (or attorney or agent) at the conclusion of the interview. In the case of a telephone or video-conference interview, the copy is mailed to the applicant's correspondence address either with or prior to the next official communication. If additional correspondence from the examiner is not likely before an allowance or if other circumstances dictate, the Form should be mailed promptly after the interview rather than with the next official communication.

The Form provides for recordation of the following information:

- Application Number (Series Code and Serial Number)
- Name of applicant
- Name of examiner
- Date of interview
- Type of interview (telephonic, video-conference, or personal)
- Name of participant(s) (applicant, attorney or agent, examiner, other PTO personnel, etc.)
- An indication whether or not an exhibit was shown or a demonstration conducted
- An identification of the specific prior art discussed
- An indication whether an agreement was reached and if so, a description of the general nature of the agreement (may be by attachment of a copy of amendments or claims agreed as being allowable). Note: Agreement as to allowability is tentative and does not restrict further action by the examiner to the contrary.
- The signature of the examiner who conducted the interview (if Form is not an attachment to a signed Office action)

It is desirable that the examiner orally remind the applicant of his or her obligation to record the substance of the interview of each case. It should be noted, however, that the Interview Summary Form will not normally be considered a complete and proper recordation of the interview unless it includes, or is supplemented by the applicant or the examiner to include, all of the applicable items required below concerning the substance of the interview.

A complete and proper recordation of the substance of any interview should include at least the following applicable items:

- 1) A brief description of the nature of any exhibit shown or any demonstration conducted,
- 2) an identification of the claims discussed,
- 3) an identification of the specific prior art discussed,
- 4) an identification of the principal proposed amendments of a substantive nature discussed, unless these are already described on the Interview Summary Form completed by the Examiner,
- 5) a brief identification of the general thrust of the principal arguments presented to the examiner,
(The identification of arguments need not be lengthy or elaborate. A verbatim or highly detailed description of the arguments is not required. The identification of the arguments is sufficient if the general nature or thrust of the principal arguments made to the examiner can be understood in the context of the application file. Of course, the applicant may desire to emphasize and fully describe those arguments which he or she feels were or might be persuasive to the examiner.)
- 6) a general indication of any other pertinent matters discussed, and
- 7) if appropriate, the general results or outcome of the interview unless already described in the Interview Summary Form completed by the examiner.

Examiners are expected to carefully review the applicant's record of the substance of an interview. If the record is not complete and accurate, the examiner will give the applicant an extendable one month time period to correct the record.

Examiner to Check for Accuracy

If the claims are allowable for other reasons of record, the examiner should send a letter setting forth the examiner's version of the statement attributed to him or her. If the record is complete and accurate, the examiner should place the indication, "Interview Record OK" on the paper recording the substance of the interview along with the date and the examiner's initials.

Notice of References Cited	Application/Control No. 09/805,950	Applicant(s)/Patent Under Reexamination SENIOR, RODNEY	
	Examiner Rob Rhode	Art Unit 3625	Page 1 of 1

U.S. PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Name	Classification
*	A	US-6,526,277	02-2003	Zicker et al.	455/426.2
*	B	US-6,741,969 B1	05-2004	Chen et al.	705/14
*	C	US-6,778,967 B1	08-2004	Nicholson, G. Randy	705/14
	D	US-			
	E	US-			
	F	US-			
	G	US-			
	H	US-			
	I	US-			
	J	US-			
	K	US-			
	L	US-			
	M	US-			

FOREIGN PATENT DOCUMENTS

*		Document Number Country Code-Number-Kind Code	Date MM-YYYY	Country	Name	Classification
	N	JP 410111985A	04-1998	Japan	Uchiyama	G07G 001/12
	O					
	P					
	Q					
	R					
	S					
	T					

NON-PATENT DOCUMENTS

*		Include as applicable: Author, Title Date, Publisher, Edition or Volume, Pertinent Pages)
	U	" Priceline.com adds gasoline to its lineup"; Priscilla Fusco; Austin American Statesman; Austin, Tx; Feb 26, 2000
	V	
	W	
	X	

*A copy of this reference is not being furnished with this Office action. (See MPEP § 707.05(a).)
Dates in MM-YYYY format are publication dates. Classifications may be US or foreign.

PAT-NO: JP410111985A
DOCUMENT-IDENTIFIER: JP 10111985 A
TITLE: ARTICLE SALE REGISTRATION DATA PROCESSOR

PUBN-DATE: April 28, 1998

APPL-NO: JP08263378
APPL-DATE: October 3, 1996

INT-CL (IPC): G07G001/12

Abstract Text - FPAR (1):

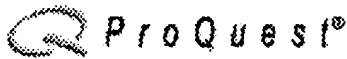
PROBLEM TO BE SOLVED: To decide popular price zones by quantities and by sold articles by totalizing sale data on sold articles by quantities which are registered by kinds and by price zones, and outputting total sale data by the price zones which are totalized by the kinds and by the price zones.

Abstract Text - FPAR (2):

SOLUTION: A RAM 13 of an electronic cash register 10 is provided with an article file 13F, a sale-by-time-zone table 13TM, a sale-by-price-zone table 13PS. A totalization-by-price-zone means consisting of a ROM 12 and a CPU 11 totalizes sale data on sold articles by quantities which are registered by the kinds and price zones. Further, a sale-by-price-zone totalization data storage control means consisting of a ROM 12 and a CPU 11 stores the totalized sale data by the price zones in the sale-by-price-zone table 13PS. Further, a output- by-price-zone control means consisting of a ROM 12 and a CPU 11 controls the output of the sale totalization data by the price zones stored in the sale-by- price-zone table 13PS.

Application Date - APD (1):

19961003

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Publication title: [Austin American Statesman](#). Austin, Tex.: [Feb 26, 2000](#). pg. G.7
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Document URL: [http://proquest.umi.com/pqdweb?
did=50336405&sid=2&Fmt=3&clientId=19649&RQT=309&VName=PQD](http://proquest.umi.com/pqdweb?did=50336405&sid=2&Fmt=3&clientId=19649&RQT=309&VName=PQD)

Abstract (Document Summary)

[Priceline.com](#) Inc., the "name-your-price" Web site, said Friday it will include gasoline in its expanding line of product offerings, promising drivers substantial savings compared with pump prices. [Priceline.com](#), which already sells airline tickets, hotel rooms and groceries online, said beginning this summer **buyers** will be able to name their own price for up to 50 gallons of gasoline per month.

Full Text (334 words)*Copyright Austin American Statesman Feb 26, 2000*

NEW YORK -- [Priceline.com](#) Inc., the "name-your-price" Web site, said Friday it will include gasoline in its expanding line of product offerings, promising drivers substantial savings compared with pump prices. [Priceline.com](#), which already sells airline tickets, hotel rooms and groceries online, said beginning this summer **buyers** will be able to name their own price for up to 50 gallons of gasoline per month.

Priceline, based in Stamford, Conn., said it expects users of the service to save 10 cents to 20 cents a gallon compared with pump prices, as participating gas stations are expected to pay to get incremental business coming to their stations. **Shoppers** will be given at least three local stations from which to choose.

Prices will also be defrayed by online advertising and by support from major oil companies, who are expected to offer gas savings as a means of attracting new customers to their brands.

With gasoline prices at 9-year highs in many areas, Priceline said the time is right for the new service. Retail gas prices average \$1.41 per gallon last week, up from about \$1 a gallon a year earlier.

"It's great timing, based on the attention that the gas prices are receiving," said Priceline spokesman Robert Padgett. "We anticipate this offering will put 5 million new customers onto [Priceline.com](#) within the next two years. It's very broad segment."

Priceline has been rapidly expanding its products from its core market for airline tickets. Earlier this week, Priceline board member Nancy Peretsman also said the company plans to add credit cards and telephone and utility services to its offerings.

Analysts said the addition of gasoline to its product line should add to the number of Priceline users who turn to the company's Web site for more than one product.

"I think it's just a continuation of the other services, an addendum to groceries," said Skip Wells, an analyst at [Adams Harkness & Hill](#). "It makes it more likely you'll buy groceries at Priceline, (that) you'll buy airplane tickets at Priceline."

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Author(s): ☐ Priscilla Fusco
Language: ☐ English
Publication title: ☐ Austin American Statesman

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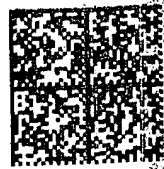
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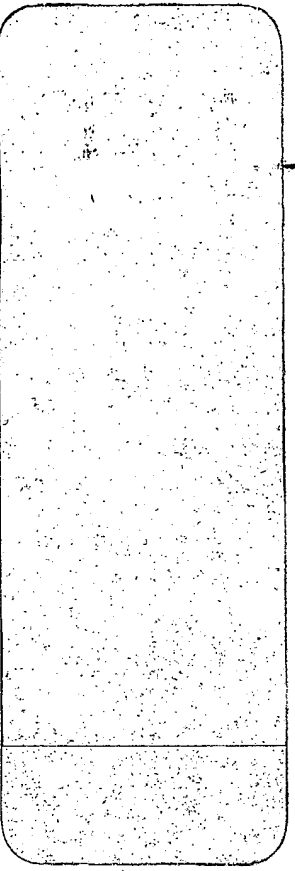
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